

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0288-04
Bill No.: HCS for HB 374
Subject: Agriculture and Animals; Crimes and Punishment; Department of Public Safety
Type: Original
Date: April 11, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue**	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>All</u> State Funds**	(Unknown)	(Unknown)	(Unknown)

**** Costs will likely be less than \$100,000.**

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Prosecution Services** assume that prosecutors can handle the proposal with existing resources. However, passage of more than one similar proposal could have a cumulative effect of increasing costs to prosecutors through increased caseloads.

Officials from the **Office of the State Public Defender** assume existing staff could provide representation for those 75-100 cases arising where indigent persons were charged with stealing a pet with the intent to sell such pet, a class C felony. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Office of Secretary of State (SOS)** assume there would be costs due to additional publishing duties related to the Department of Public Safety and the Division of Finance's authority to promulgate rules, regulations, and forms. SOS estimates the division could require approximately 10 new pages of regulations in the *Code of State Regulations* at a cost of \$27.00 per page, and 15 new pages in the *Missouri Register* at a cost of \$23.00 per page. Costs due to this proposal would be \$615.00. The actual fiscal impact would be dependent upon the actual rulemaking authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal; however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Department of Public Safety (DPS)** assume the proposed legislation will require the DPS to maintain a pet registry with on-line registration. The server which currently establishes DPS's website does not have enough capacity to handle on-line registration. Therefore, DPS assumes they will request a server with enough capacity to handle these activities. In addition, DPS assumes they would request 1 FTE Clerk Typist III (\$23,184) to provide clerical support for the program, 1 FTE Computer Info Technologist (\$48,720) to assist the consultant in developing the registry program and registration applications online and to

ASSUMPTION (continued)

maintain the program after it is developed, 1 FTE Accountant I (\$30,204) to track and monitor the receipt of registration fees, 1 FTE Program Specialist (\$47,100) responsible for administration and supervision of the program, plus the related expense and equipment for each position, as well as consulting expenses to develop programming for the registry.

Oversight assumes DPS currently maintains an Internet site and would not require the Computer Info Technologist position to assist the consultant in developing the registry program and registration applications online and to maintain the program after it is developed; nor would DPS require consulting expenses to develop programming for the registry. In addition, Oversight assumes DPS would not require the Accountant position to track and monitor the receipt of registration fees. Oversight assumes DPS will charge a registration fee, as provided by this proposal, that does not substantially exceed the cost of the program.

Officials from the **Department of Corrections (DOC)** stated there is currently one individual serving time for the crime of theft of an animal. In FY00, 3 individuals were placed on probation for theft of an animal, but no one was sentenced to serve prison time. 7 probation cases were open at the end of FY00. The new crime(s) in this proposal are of a higher felony status than theft of an animal. The DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY99 average of \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (FY99 average of \$2.47 per offender, per day).

The DOC does not anticipate the need for additional capital improvements at this time. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity. Estimated construction cost for one new medium-security inmate bed is \$48,300 at FY99 average costs. A maximum security inmate bed is \$55,000, also using FY99 average costs. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but due to the narrow scopes of the new crimes outlined, the unknown impact is not estimated to exceed \$100,000 annually.

FISCAL IMPACT - State Government

FY 2002
(10 Mo.)

FY 2003

FY 2004

GENERAL REVENUE FUND

BLG:LR:OD (12/00)

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<u>Income</u> - Department of Public Safety			
Registration Fees*	Unknown	Unknown	Unknown
<u>Cost</u> - Department of Public Safety (DPS)			
Salaries	(\$60,034)	(\$73,842)	(\$75,688)
Fringe Benefits	(\$20,009)	(\$24,612)	(\$25,227)
Expense and Equipment	<u>(\$29,777)</u>	<u>(\$3,916)</u>	<u>(\$3,916)</u>
Total Costs - DPS	(\$109,820)	(\$102,370)	(\$104,831)
<u>Costs</u> - Department of Corrections			
Incarceration/Probation costs**	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND**	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

* Registration fees will likely offset program costs.

** Costs will likely be less than \$100,000.

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Sellers and purchasers of pets for research purposes could be impacted by this proposal.

DESCRIPTION

The proposed legislation makes it a class C felony to, without lawful authority, willfully take another's pet, law enforcement animal, or rescue animal with the intent to sell it; knowingly purchase a stolen pet; or knowingly remove an identification marker or tag from a pet without permission.

DESCRIPTION (continued)

The proposal requires the Department of Public Safety to create an Internet registry of pets on which owners may list their missing or stolen pets. Persons purchasing pets for research purposes are required to examine the Internet registry and examine the pets for any identification marks. If the pet is found on the registry, the person shall contact the owner for verification. The person must report suspected stolen pets to a local law enforcement agency.

This proposal also requires any pet sold to a licensed dealer for research purposes to be accompanied by a veterinarian's health certificate.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Prosecution Services
Office of Secretary of State
Office of the State Public Defender
Office of State Courts Administrator
Department of Corrections
Department of Public Safety



Jeanne Jarrett, CPA
Director

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